## SARASOTA Herald-Tribune

## **Terrorists Should Be Prosecuted By Military Tribunals**

By Vern Buchanan, Guest Columnist

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In Tuesday's Herald-Tribune, professor Robert J. Martineau's guest column put forward the argument that foreign terrorists who attack America should always be tried in civilian court. I couldn't disagree more. In fact, I have sponsored legislation requiring terrorists to be tried as enemy combatants, not common criminals. My bill, the "Military Tribunals for Terrorists Act" will mandate that any terrorist who attacks the United States or its people be interrogated, prosecuted and tried in military court.

Terrorists with ties to known terror organizations such as al- Qaida should not be afforded the same constitutional protections as American citizens, nor should sensitive homeland security and intelligence information be publicized in open, civilian court proceedings.

In the years since the attack that killed 3,000 people in New York City, we have been reminded repeatedly that terrorist networks, such as al-Qaida, have intensified their war against our way of life and our people. The failed Christmas Day attack on Northwest Airlines Flight 253 is only the most recent reminder that we must remain aggressive in protecting our homeland.

## These aren't burglars

In the hours after his failed terrorist attack on Dec. 25, Umar Farouk Abdulmutallab was taken into custody and voluntarily began providing important intelligence to federal law enforcement agents. Within an hour, federal agents read him his Miranda rights, and he promptly stopped talking to federal agents.

Under military tribunal law, suspects are not required to be given Miranda rights. When trying to thwart impending terrorist attacks, time is of the essence, and the U.S. government should be able to seek as much information and intelligence about terrorist attacks as possible.

We can and must distinguish between how our government responds to terrorist attacks and burglars. Military tribunals allow us to do just that.

In opposing the use of military tribunals for terrorists, some have claimed that the Obama administration is using the same civilian court system to prosecute Abdulmutallab that the Bush administration used to prosecute Richard Reid, the so-called Shoe Bomber.

This ignores the fact that Reid attempted to ignite explosive materials on a trans-Atlantic flight from Paris to Miami on Dec. 22, 2001 -- a mere three months after the 9/11 attacks. At that time, the U.S. did not have a fully operational military tribunal system in effect.

Today, more than eight years later, we have a military tribunal system up and running that is better able to handle terrorist cases than our civilian court system. Our current military tribunal system was written into law by Congress with this very goal in mind.

For example, terrorists in civilian court, including Reid, frequently attempt to bring sensitive national security intelligence into open court proceedings. Military tribunals allow the government to protect essential national security information. Why would we want to make it easier for foreign terrorists to expose our military secrets to the world?

Due process followed

Military tribunals, in one form or another, have been used in America since the times of George Washington and the Revolutionary War. They are fully consistent with the principle of due process under the law for those accused of breaking our laws.

My bill has 40 co-sponsors, including three leading, national experts: the top Republican on the Select Committee on Intelligence, Rep. Pete Hoekstra, R-Mich.; the vice chairman of the House Judiciary Committee, Rep. Lamar Smith, R-Texas; and the vice chairman of the House Armed Services Committee, Rep. Howard "Buck" McKeon, R-Calif.

Our federal government has no higher priority than protecting the lives of its citizens. I will continue to fight for policies that keep Americans safe, including the principle that terrorists waging war against the United States and its people should be prosecuted using military tribunals, not our civilian courts.

U.S. Rep. Vern Buchanan, R-Longboat Key, represents the 13th Congressional District, which includes Sarasota, DeSoto and Hardee counties and parts of Manatee and Charlotte.

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